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MEMO ENDORSED

December 10, 2015

Via Fascimile

The Honorable James C. Francis
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

USDS SDNY
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MEMO ENDORSED

**Re: *Agerbrink v. Model Service LLC d/b/a MSA Models et al.*, No. 14 Civ. 7841
(JPO) (JCF)**

Dear Judge Francis:

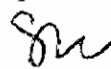
I represent Plaintiff, the putative class, and the putative collective in the above-referenced matter. I write, pursuant to the October 16, 2015 Discovery Confidentiality Order, ECF No. 49, and the individual practices of Judge Oetken, to request that the Court authorize the filing of Plaintiff's forthcoming Reply Memorandum of Law in Support Conditional Certification with redactions on the public ECF docket, and additionally order the sealing of several documents filed by Defendants. //

On December 3, 2015, Defendants filed their Memorandum of Law in Opposition to Plaintiff's Motion for Conditional Certification, ECF No. 67, and the Declaration of Defendants' counsel, Evan Spelfogel, in support thereof, ECF 69. These documents contain descriptions, albeit highly inaccurate descriptions, of the confidential settlement discussions that have occurred between the parties. In addition, the Declaration of Evan Spelfogel attached, as Exhibit 1, ECF No. 69-1, a confidential settlement communication from Plaintiff's counsel.

The filing of these materials on the public ECF docket, as compounded by the failure to contact Plaintiff's counsel prior to doing so, were intentional violations of the Court's October 16, 2015 Discovery Confidentiality Order ¶¶ 5-6, as well Rule 1.A of Your Honor's Individual Practices ("Copies of correspondence between counsel shall not be sent to the Court."). Plaintiff therefore respectfully requests that the Court direct the Clerk to permanently seal these filings (ECF Nos. 67, 69, 69-1) in their entirety. //

Plaintiff also respectfully requests that, to the extent her reply addresses Defendants' inaccurate description of the parties' settlement discussions, that such references, and related information or material, be permitted to be filed with redactions on the public ECF docket with un-redacted courtesy copies to be sent to Your Honor's chambers and Defendants.

Respectfully submitted,



Cyrus E. Dugger

cc: (via email)

Ronald M. Green
Evan J. Spelfogel
Jamie F. Friedman

12/16/15

Application granted. See Travelers Indemnity Co.
v. Excalibur Reinsurance Corp., No. 3:11-CV-1209,
2013 WL 4012772, at *5 (D. Conn. Aug. 5,
2013) (approving sealing of documents referring
to confidential settlement discussions).

SO ORDERED.
James C. Francis, Jr.
USMJ